IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

WRIT PETITION NO.9087 OF 2004

Bhagwandas Auto Garage. ...Petitioner.

Vs.

Mrs.Gujaratibai Tapsi Pandey &Ors. ..Respondents.

.....

Mr.S.J.Ghogare for the Petitioner.

Mr.N.V.Walawalkar with Mr.G.H.Keluskar for the Respondents.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

July 17, 2006.

P.C. :

Mr.Walawalkar, Learned Counsel appearing on behalf of the Respondents states that after the judgment of the Trial Court, the Respondents have filed Regular Civil Suit No.352 of 2002 for possession of the garage that forms the subject matter of the dispute and in that view of the matter the apprehension of the Petitioner that the Respondents would take recourse to any means

otherwise than the due process of law for obtaining the possession of the suit premises does not survive. Since the Respondents have taken recourse to due process of law for asserting their claim for possession in accordance with the decree of the Trial Court, Counsel for the Petitioner does not press the petition since the apprehension of the Petitioner has been duly taken care of. The Petition is accordingly disposed of since no other point has been raised.

.....